

To: Vaughn, Stephanie[Vaughn.Stephanie@epa.gov]
Cc: Willard Potter[otto@demaximis.com]; Basso, Ray[Basso.Ray@epa.gov]; Flanagan, Sarah[Flanagan.Sarah@epa.gov]; William Hyatt[william.hyatt@klgates.com]
From: Robert Law
Sent: Thur 7/23/2015 6:17:52 PM
Subject: Re: Approvals and report/schedule status....

Stephanie:

The CPG acknowledges the receipt of Region's notice of approval for the reports and plan listed in your July 20 email.

As to the Region's statement that, "*With regards to the Data Usability and Data Evaluation Plan, EPA notes the depth of the exposure zone is currently the subject of dispute resolution discussions between EPA and the CPG,*" the CPG would like to reiterate that the risk estimates provided in the 2014 BERA and BHHRA are consistent with the Data Usability and Data Evaluation Plan. Specifically, the risk estimates provided in the 2014 BERA and BHHRA only relied on the sediment concentrations measured in the top 6 inches (15 cm). This is consistent with Sample DQO No. 1 presented in Section 3.3 of May 2014 Data Usability and Data Evaluation Plan which states:

"For sediment data (including chemistry, and benthic invertebrate toxicity and community data), sample depth interval must be identified and only sediment data collected from the depth interval of 0 to 15 cm (0 to 6 inches) below the sediment surface will be acceptable for inclusion in the risk assessments."

DQO No. 1 does go onto state that:

"Sediment collected from within a smaller portion of the depth interval of 0 to 15 cm will be considered for use in the risk assessments if the depth interval is representative of typical exposure depths for human and ecological receptors."

Based on our prior correspondence and discussions, Region 2 is aware that CPG did not include risk estimates in the 2014 17-mile risk assessments using less than 15 cm data due to the small size of the existing data set and that no model predictions were used to estimate current risks in those documents. The CPG is available to review the status of deliverables at the convenience of Region 2 and its contractors.

Please contact Bill Potter or me.

Thank you.

R/

Rob

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>>> "Vaughn, Stephanie" <Vaughn.Stephanie@epa.gov> 7/20/2015 10:41 AM >>>

Hi Rob,

EPA hereby approves the Low Resolution Coring Characterization Summary report submitted by the CPG on April 23, 2014, the revised Data Usability and Data Evaluation Plan dated May 15, 2014 and the 2009 and 2010 Sediment Chemistry Data for the Lower Passaic River Study Area Report dated May 23, 2014.

With regards to the Data Usability and Data Evaluation Plan, EPA notes the depth of the exposure zone is currently the subject of dispute resolution discussions between EPA and the CPG.

With CDM's help, EPA has developed a list of outstanding reports/plans for the 17-mile RI/FS. Some require action on EPA's part and some require action on CPG's part. I will be going through the list and sending comments or approval on EPA action items, but we would also like to set up a call with you to go over the status of some of the items.

Please let me know your availability.

Thanks,
Stephanie